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PATENT  
ATTORNEY DOCKET NO.: 056291-5039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

PEARS et al.

U.S. Application No.: 09/889,414

Filed: November 13, 2001

FOR: DRUG COMBINATIONS COMPRISING  
(E)-7-[4-(4-FLUOROPHENYL)-6-  
ISOPROPYL-2-  
[METHYL(METHYLSULFONYL)  
AMINO]PYRIMIDIN-5-YL](3R,5S)-  
3,DIHYDROXYHEPT-6-ENOIC ACID AND  
AN INHIBITOR, INDUCER OR  
SUBSTRATE OF P450 ISOENZYME 3A4

Group Art Unit: 1654

Examiner: Meller, Michael V.

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop AF**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Date: November 1, 2004

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated June 1, 2004.

2. Additional papers enclosed:



Copies of 6 cited articles in support of Remarks in Amendment and Response

11/03/2004 MGEBREM1 00000007 500310 09889414

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430.00 DA

### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	<b>\$430.00</b>	\$215.00
<input type="checkbox"/> three months	\$980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00
<input type="checkbox"/> five months	\$2,080.00	\$1,040.00

If an additional extension of time is required, please consider this a Petition therefor.

Extension of time fee due with this request: \$430.00

### 4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	22	minus	33	0	x \$18/\$9 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	8	0	x \$88/\$44 each=	\$ 0.00
First presentation of Multiple dependent claim(s): previously paid					\$300/\$150	\$ 0.00
Fee for <u>2</u> Month Extension of Time						\$ 430.00
TOTAL FEE =						\$ 430.00

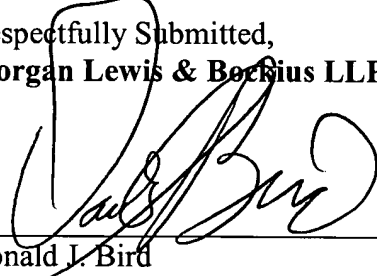
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge **\$430.00** to Deposit Account No. 50-0310 for Two-Month Extension of Time Fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: November 1, 2004  
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